

ALBUQUERQUE EVENING HERALD

TRIBUNE CITIZEN,
VOL. 26, NO. 56.

ALBUQUERQUE, NEW MEXICO, WEDNESDAY, JUNE 28, 1911.

EVENING HERALD
VOL. 1, NO. 98.

FIRST DEGREE OR SECOND DEGREE MURDER IS CHARGE

The Jury in Henwood Trial Informed That It Must Convict on Those Grounds or Acquit Henwood.

MANSLAUGHTER CAN NOT BE VERDICT

Alleged Slayer of Copeland and Von Phul Has Fate in Hands of Twelve Men; Who Was "Double Cropper?"

(By Evening Herald A. P. Leased Wire) Denver, Colo., June 28.—"There is no manslaughter in this case," impressively said District Judge Greeley M. Whitford in reading the instructions to the jury in the case of Harold F. Henwood this morning.

The court charged the jury that there were but three possible verdicts in the case: First degree murder, second degree murder and acquittal.

The jury was also directed that should its verdict be first degree murder a penalty should be fixed, either of life imprisonment or death. Should the verdict be second degree murder the court itself imposes the penalty, which under the Colorado statute is from ten years to life imprisonment.

The elimination of manslaughter from the case caused Attorney John T. Bottom to the defense to take exceptions. He stated to the court that he believed this should have been included.

The jury was charged that a shot fired with malice and premeditation, death resulting, although the shot was not directed against the person killed, constituted a crime of first degree murder. In other words, the accidental killing of George E. Copeland, for which Henwood is being tried, by a bullet intended for Sylvester L. Von Phul, justifies a verdict of first degree murder providing that Henwood intended maliciously and premeditately to take Von Phul's life.

The court charged the jury that evidence of threats and gun plays on the part of Von Phul against Henwood, or previous quarrels between them, was admissible only to show the condition of Von Phul's mind when it occurred. That when Von Phul knocked down Henwood in the hotel, but made no further attack, and then fled, there was no self-defense, and if Henwood fired deliberately and maliciously the crime was first degree murder.

"Intent" was defined as "intent to kill" and not to kill any particular person. The presumption of law as to the sanity of the defendant was explained, and reasonable doubt, which the court said, must amount to an "adjudging conviction."

Precious to the reading of the instructions the court permitted Attorney Bottom to recall Henwood to the stand for the purpose of identifying the so-called "Mabel letter" supposed to have been written by Von Phul from the Baltimore hotel in Kansas City. The letter was ruled out yesterday and the court reaffirmed this action.

This letter contains a reference to a certain "double cropper" who was in the habit of visiting the ranch of John W. Springer, husband of the principal witness in the case. It threatened "to knock his block off." Both attorneys admitted that Henwood was not meant by the expression "double cropper," and the court held that this being the case the letter could have no bearing on the trial.

Mr. Springer, it has appeared from the testimony, was the only other man who frequented the Springer ranch.

Assistant District Attorney John Horne Chiles opened the argument for the prosecution with a scathing denunciation of Henwood as the "destroyer" of the home of John W.

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BANKER MORSE TO REMAIN IN JAIL

Court Declines to Release a Convict from Federal Prison at Atlanta on Habeas Corpus Proceedings.

(By Evening Herald A. P. Leased Wire) Atlanta, Ga., June 28.—Federal Judge Newman today denied the application of Charles W. Morse for release from the federal prison here on a writ of habeas corpus.

Unless the court grants the motion for an arrest of judgment, Rechmann will be sentenced next Friday. Meanwhile he continues at liberty under \$10,000 bail.

When the verdict was announced Rechmann, who had entered court this morning confident of acquittal, receded and would have fallen if a court official had not supported him.

CANE SUGAR MEN MISSING LINK IN FOR FREE TRADE SAYS GILMORE

Member of Firm of Arbuckle Brothers of Brooklyn, Says Sugar Beet Men Have Best of it With Tariff.

(By Evening Herald A. P. Leased Wire) Washington, June 28.—W. G. Gilmore of the firm of Arbuckle Brothers of Brooklyn, told the house "sugar trust" investigating committee today that trade sugar wars in this country had practically ceased and that conditions in the trade were fair, though not ideal.

"Where does the condition fall short?" Representative Madison asked.

The cane sugar refiners are not making enough money.

He attributed this to over-production, too much refining capacity, the beet sugar industry as now protected, etc.

"If we took the tariff off the beet sugar now what would happen?"

"Cheaper sugar. We would operate half the capital and the beet sugar money would be kept at home. We do not like it when the beet sugar people, with a big house protection, invade our territory."

"Then you want free trade in sugar?"

"Personally, I am of that mind."

SENATOR WARREN IS MARRIED TODAY

At Least He Secured a License to Wed Miss Clara Le Baron Morgan of New York City; Home in Cheyenne.

(By Evening Herald A. P. Leased Wire) New York, June 28.—United States Senator Francis E. Warren, of Wyoming, secured a license here today to wed Miss Clara Le Baron Morgan of this city. Today was given as the time for the ceremony.

Senator Warren gave his residence as Cheyenne and his age as sixty-seven. He is a widower. Miss Morgan said she was thirty-five years old and a daughter of John Sands Morgan.

ARBITRATION IS NEARLY READY

Agreement Between Great Britain and United States as to Adjustment of Difficulties Is Prepared in Full.

(By Evening Herald A. P. Leased Wire) Washington, June 28.—After a conference between President Taft and Ambassador Bryce of Great Britain an announcement was made at the White House that the arbitration treaty between the United States and Great Britain was practically complete and with the exception of a few comparatively unimportant details the terms of the treaty had been agreed upon.

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(Continued on Page Five column 7)

JOHN W. GATES IS SERIOUSLY ILL

American Millionaire Unable to Sail for Europe Today as He Had Planned; Seven Operations On Throat.

(By Evening Herald A. P. Leased Wire) Paris, June 28.—John W. Gates, the American millionaire, who had arranged to sail for America today has been obliged to postpone his departure owing to serious illness. He has submitted to seven slight surgical operations in as many days for abscess in his throat.

BANK PRESIDENT IS GUILTY OF FRAUD

Late Head of Carnegie Trust Company, It is Proven, Rendered False Statements to State Officers.

(By Evening Herald A. P. Leased Wire) New York, June 28.—Joseph B. Rechmann, formerly president of the Carnegie Trust company, was found guilty today of making false statements to the state banking department.

Unless the court grants the motion for an arrest of judgment, Rechmann will be sentenced next Friday. Meanwhile he continues at liberty under \$10,000 bail.

When the verdict was announced Rechmann, who had entered court this morning confident of acquittal, receded and would have fallen if a court official had not supported him.

CANE SUGAR MEN MISSING LINK IN VOUCHER COSTS TWO MEN THEIR PLACES

Artist Got Only \$850 of Order for \$2450 and Clerk Said Balance Went for Diplomatic Uses in China.

COMMITTEE WANTS EMPLOYEES DISCHARGED

(By Evening Herald A. P. Leased Wire) Washington, June 28.—The distinguished United States Consul William H. Michael at Calcutta and Thomas Morrison, discharging clerk of the state department as the result of the recent investigation of the Day-portrait voucher is recommended in a report which a sub-committee of the sugar committee on expenditures in the state department will present to the full committee tomorrow. Mr. Michael formerly was chief clerk of the department.

The report was adopted at a final session of the sub-committee which consists of Representatives Hanlin of Missouri, chairman of the full committee; Dent of Alabama and Davis of Minnesota.

The committee made an exhaustive investigation of the circumstances surrounding the discrepancy between \$2,450, the total amount of a long missing voucher made out for the payment to Albert Rosenthal, an artist, for painting the picture of Secretary of State and the \$850 he received, although he had to receipt for the whole amount named in the voucher. See report of State Know and other officials testifying regarding the matter and Mr. Michael called an explanation, which was submitted to the committee. The explanation was that the balance probably was used for contingent expenses for diplomatic service in China.

The crew of the Haverton, the Red Star line and other ships in the docks here deserted their vessels in sympathy with the wheat employees. The Haverton was due to sail for Philadelphia at noon.

PRICES GOING UP IN GREAT BRITAIN AND TIE-UP IN COAL SHIPMENTS IS DEMORALIZING THE RAILROADS

(By Evening Herald A. P. Leased Wire) Liverpool, June 28.—Four thousand additional dock hands joined the strike today and work at the docks here is practically at a standstill. The Canadian, Canadian Pacific railway, Dominion, White Star, Ellerman and other combined lines are all equally affected.

There is no question of wages involved in this extension of the strike movement. The dockmen are fighting simply for the recognition of their union and the non-employment of non-unionists.

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PRICES GOING UP IN GREAT BRITAIN

London, June 28.—The shortage of butter, bacon and eggs, of which enormous continental supplies are held up at road by the seamen's strike, is affecting the prices of provisions in London.

Millers are giving notice to their employees to quit work in consequence of the stoppage of the supplies of wheat.

A congestion of coal trucks in all the northeastern ports through the inability to load coal is disorganized the railroads.

The Ship Owners' Association of the United Kingdom met in London this afternoon and adopted resolutions in favor of a moderate increase in the wages of certain sections of the workers at certain points and recommended that the association fix a standard rate for wages. The meeting, however, opposed the demand for the recognition of the Seamen's Union.

The general attitude of ship owners showed a weakening from that first assumed toward the strikers. Many of their ships are overdue to sail and this fact, combined with continued pressure on them from the board of trade to effect a conciliation, seems to indicate that the struggle will not be much further prolonged.

MANCHESTER DOCK HANDS ALL GO OUT

Manchester, England, June 28.—Three thousand dock hands here joined the seamen's strike today. The shipping business locally is paralyzed.

SOLDIERS CALLED OUT TO HANDLE STRIKERS

Amsterdam, Holland, June 28.—Work on the docks practically ceased today. The striking dockmen are parading the streets and large forces of cavalry and infantry are guarding the sheds.

Carters employed in moving cargoes threatened to join the strikers unless their pay is increased before Saturday night.

TWENTY THREE ARE FOR SALOONS

Out of 110 Cities and Towns in Utah Voting on Prohibition Larger Ones Vote for the "Wets."

ROADS MUST REPORT ACCIDENTS IF FATAL

Washington, June 28.—The interstate commerce commission has ordered that after July 1 every common carrier engaged in interstate or foreign commerce by railroad shall immediately after occurrence thereof report by telegram to the commission any collision, derailment or other accident on its road resulting in the death of one or more persons.

MILLIONAIRE WILLS ALL PORTRAITS DESTROYED

Chicago, June 28.—Disposing of a \$1,000,000 estate, Sylvester T. Smith, former president of the Denver Northwestern & Pacific, demands that all portraits of himself and family be destroyed immediately.

PREVENTING BIG LINERS FROM MOVING

Four Thousand More Employees Join Demand Organization Be Recognized; Wages Are Not at Issue Now.

BUTTER BACON AND EGGS GET DEARER

(By Evening Herald A. P. Leased Wire) Washington, June 28.—He Declares That in Urging the Reciprocity Measure, Taft Is Not in Accord With Congress or People.

DRAMA IN SENATE CUMMINS CALLS IT

(By Evening Herald A. P. Leased Wire) Washington, June 28.—Senator Cummins of Iowa, in presenting a number of amendments to the reciprocity bill, denounced a measure introduced by the Senate.

"He does not represent the majority of the Republicans in the house or senate," said he, "and I do not believe he represents a majority of the Republicans of the country."

The fight against Canadian reciprocity in the senate formally was opened today by Senator Cummins of Iowa, in presenting a number of amendments to the reciprocity bill.

He protested against the Canadian reciprocity bill without amendment, providing for the definite removal of his attorney to permit her to appear before the grand jury again. A citation for contempt was issued and Mrs. McManigal refused to answer questions before the grand jury.

The prosecution also alleged that the defense refused to permit McManigal the alleged confessed dynamite conspirator, to see his children despite frequent requests.

After the filing of a contempt complaint against Mrs. McManigal followed the definite refusal of her attorney to permit her to appear before the grand jury again. A citation for contempt was issued and Mrs. McManigal refused to go to the grand jury room again except by direct order of the court.

The prosecution also alleged that the defense refused to permit that defense to be removed.

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